

STATE OF OREGON  
Marion County Circuit Courts  
MAY 05 2009  
**ENTERED**

STATE OF OREGON  
Marion County Circuit Courts  
MAY 05 2009  
**FILED**

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MARION

EVANGELINA MENDEZ,

v.

Plaintiff,

MANAGEMENT GROUP OREGON, INC.  
an Oregon Corporation; ERNST  
PROPERTIES, L.L.C., A Domestic  
Limited Liability Corporation;  
and CHARLES A. SIDES,  
Individually,

Defendants.

CASE NO. 09C14886

COMPLAINT

(Action at law for  
Bodily Injury)

(Subject to Mandatory  
Arbitration)

In support of her cause of action against Defendants,  
Plaintiff alleges:

1.

At all times herein alleged, Defendant Management Group  
Oregon, Inc. (hereinafter Management) was and now is a Oregon  
corporation licensed to do business in the state of Oregon.

2.

At all times herein alleged, Defendant Ernst Properties,  
L.L.C. (hereinafter Ernst) was and now is a Domestic Limited  
Liability Corporation licensed to do business in the state of  
Oregon.

3.

At all times herein alleged, Defendant, Charles A.  
Sides (hereinafter Sides), was the owner of the real property

1 located at 2850 Broadway St., N.E., Salem, Marion County  
2 Oregon

3 4.

4 At all times herein alleged, Defendants, and each of  
5 them, managed and controlled the real property located at  
6 2850 Broadway Street, N.E., Salem, Marion County, Oregon;  
7 and at all times herein alleged, Defendants, and each of  
8 them, leased the real property located at 2850 Broadway  
9 Street, N.E., Salem, Marion County, Oregon to the State of  
10 Oregon for employee and customer parking.

11 5.

12 On or about May 9, 2007, Plaintiff was employed by the  
13 State of Oregon, Department of Human Services, where she  
14 worked out of its place of business located at 2850 Broadway  
15 Street, N.E., Salem, Marion County, Oregon.

16 6.

17 On or about May 9, 2007, at approximately 12:35 p.m.,  
18 Plaintiff exited her place of employment to walk to her car  
19 which was in the parking lot at 2850 Broadway Street, N.E.,  
20 Salem, Marion County, Oregon. She walked along the sidewalk  
21 to the end of the curb and began to ascend across the  
22 parking lot. She was looking both ways across the parking  
23 lot to avoid being hit by passing traffic when her foot  
24 stepped into a shallow hole on the parking lot surface where  
25 a safety pole had been but was previously removed leaving an  
26 indentation in the parking lot. As she stepped down her foot  
27 caught the edge of the hole causing her to stumble forward  
28 and fall down hard and fast on her hands and knees, causing

1 injuries and damages to Plaintiff as hereinafter alleged.

2 7.

3 At all times herein alleged, Defendants, and each of  
4 them, were negligent as follows:

5 (A) In failing to fill in the hole left by the  
6 removal of the safety pole so as to make the area  
7 level with the remainder of the parking lot, thus  
leaving a dangerous and defective area for  
pedestrians to negotiate;

8 (B) In failing to warn Plaintiff and others  
9 similarly situated that said hole in the parking  
10 lot was unsafe and that the hole existed in the  
11 parking lot where a safety barrier pole had been  
previously removed when Defendants knew or should  
have known that the hole in the parking lot  
existed and constituted an unreasonably dangerous  
condition to the Plaintiff if not so warned;

12 (C) In failing to place barricades around the hole  
13 to prevent Plaintiff and other pedestrians from  
14 walking in the area where the hole existed;

15 (D) In failing to place warning signs or cones around  
16 the hole in the parking lot to warn Plaintiff and other  
17 pedestrians of the hole in the parking lot when  
Defendants knew or should have known that the same  
constituted unreasonably dangerous conditions to  
Plaintiff.

18 8.

19 As a direct and proximate result of the negligence of  
20 the Defendants and each of them, Plaintiff suffered a  
21 contusion and 2 cm abrasion to her right knee, a lumbar  
22 strain, herniated disc at L3-L4 and left shoulder injury;  
23 that the foregoing injuries have caused Plaintiff pain,  
24 suffering, inconvenience and will continue to cause her  
25 pain, suffering and inconvenience in the future, all to her  
26 general non-economic damage in the amount of \$30,000.

27 9.

28 It has become necessary for Plaintiff to obtain the

1 services of physicians, medications, hospitals,  
2 radiologists, x-rays and that a reasonable sum for said  
3 services is in the amount of approximately \$9,000.00.

4 10.

5 That future medical care will be reasonable and  
6 necessary in this case and a reasonable sum for said future  
7 care is in the amount of \$2,000.00.

8 WHEREFORE, Plaintiff prays for judgment against  
9 Defendants and each of them, as follows:

10 (a) \$9,000.00 for her special non-economic damages for  
11 reasonable and necessary medical care;

12 (b) \$2,000.00 for her special economic damages for  
13 reasonable and necessary future medical care;

14 (c) \$30,000.00 general non-economic damages for her  
15 permanent ongoing residuals and pain, suffering and  
16 inconvenience;

17 (d) For Plaintiff's costs and disbursements incurred  
18 herein.

19 DATED this 5<sup>th</sup> day of May, 2009

20  
21 By: Randy M. Elmer  
22 Randy M. Elmer OSB No. 831920  
23 Of Attorneys for Plaintiff  
elmer@krygerlaw.com

24 TRIAL ATTORNEY  
25 Randy Elmer, OSB #831920  
26 KRYGER, ALEXANDER, EGAN, ELMER & CARLSON, PC  
27 335 Miller St. SE  
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28 **Complaint Page 4**

# CONROYD ARBITRATIONS, LLC

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May 27, 2010

ENTERED  
JUN 04 2010  
Marion County Circuit Court

STATE OF OREGON  
MARION COUNTY COURTS

JUN 04 2010

FILED #5

Tina Brown  
Arbitration Coordinator  
Marion County Courthouse  
PO Box 12869  
Salem, OR 97309-0869

Re: Mendez v. Sides et al  
Marion County Circuit Court Case No. 09C14886

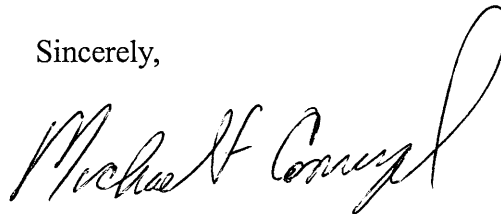
Dear Ms. Brown:

The above-captioned arbitration was heard on Monday, April 26, 2010.

The parties settled the case pursuant to the arbitration award. The attorneys will be sending the dismissal documents directly to the court.

If anything further is needed, please advise.

Sincerely,



Michael F. Conroyd  
mconroyd@dunnroylaw.com

MFC:jm

cc: Randy Elmer, AAL

Caroline Kincaid, AAL

Arbs/Mendez v Mgmt Inc – Ltr Arb Coord Re Settled